IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2049 OF 2006
IN
WRIT PETITION NO. 1330 OF 2001

Mr. Dnyandeo Laxman Sawant ..Applicant

Vs.

1. State of Maharashtra and ors. ..Respondents

WITH
CIVIL APPLICATION NO. 2095 OF 2006
IN
WRIT PETITION NO. 1327 OF 2001

Mr. Ramchandra Dhondi Sawant ..Applicant

Vs.

1. State of Maharashtra and ors. ..Respondents

Mr. P.S. Dani i/by M/s. Kiran Jain & Co. for applicant in both the matters.
Ms. M.P. Thakur, AGP for State in both the matters.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Dated: December 8, 2006.

P.C.:

1. These are the applications filed for restoration of Writ Petition Nos.1330 and 1327 of 2001 respectively which came to be dismissed for default on 6/2/2002 i.e. before about four years and four

months. Consequent to the order passed by us on 13/9/2006 the respondent no.2 has filed affidavit in reply and clearly stated that the award was passed on 1/8/1985 and possession was taken over of the subject land on 13/8/1985. The challenge in the original petitions is to the notice dated 12/3/1983 issued by the respondent no.2 and the award dated 1/8/1985. Obviously, the challenge was raised after more than 15 years and the petitions came to be dismissed in default. We do not see any reason to allow these applications at this stage and restore the petitions which by itself were highly belatedly filed.

2. Mr. Dani then stated that the land from the applicants possession has been taken over beyond or in excess of the land stated in the Section 4 notice from the respective survey numbers. Therefore, while rejecting these applications we make it clear that the acquisition of the land must be to the extent of the area mentioned in the notification under Section 4, the declaration under Section 6 and the award passed under Section 11A of the Land Acquisition Act, 1894.

3. If the area of land acquired is in excess of the land for which the award has been passed, we direct the Land Acquisition Officer to pay the compensation as per the award already passed for such excess land as expeditiously as possible and preferably within a period of six months from today.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**